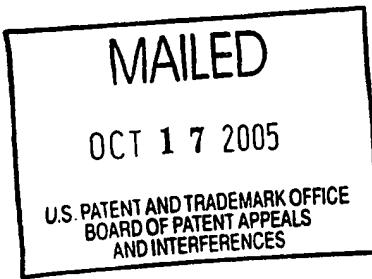


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JAY PAUL DRUMMOND et al.

Application 09/505,594

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on September 14, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellants filed an Appeal Brief on December 23, 2004 using the format set forth in 37 CFR § 41.37(c). However, the Examiner's Answer mailed June 8, 2005 does not comply with the headings set forth in the new rules under 37 CFR § 41.37(c). Correction is required.

In addition, it is noted that the examiner discusses Clarke (pages 16-17) and the Jini Device Architecture Specification reference (Jan. 25, 1999, pp. 6-8) on pages 8 and 9 of the Examiner's Answer mailed June 8, 2005. In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (8<sup>th</sup> Ed., Rev. 2, May 2004), clarification is required regarding the pertinence of the Clarke and Jini Device Architecture Specification references. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.  
The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

...  
(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Clarke and Jini Device Architecture Specification references in a revised Examiner's Answer under the heading "Evidence Relied Upon."

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. to vacate the Examiner's Answer mailed June 8, 2005 and issue a revised Examiner's Answer in compliance with the new rules which became effective on September 13, 2004;
2. for clarification under MPEP § 1211 regarding the pertinence of the Clarke and Jini Device Architecture Specification references listed on pages 8 and 9 of the Examiner's Answer mailed June 8, 2005;
3. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Clarke and Jini Device Architecture Specification references in the revised Examiner's Answer under the heading "Evidence Relied Upon";
4. to have a complete copy of any subsequent Examiner's Answer scanned into the IFW; and
5. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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Application No. 09/505,594

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